

**Notice of Allowability**

Application No.

09/822,470

Examiner

Devona E. Faulk

Applicant(s)

BEGAULT, DURAND R.

Art Unit

2615

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 7/25/2007.
2. ☒ The allowed claim(s) is/are 6-11, 14 and 32-37 and 40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Remarks***

1. The applicant has amended the claims to overcome the 112 rejection set forth in the previous office action. The applicant also submitted a replacement drawing for Figure 7 to overcome the drawing objection set forth in the previous office action.
2. Claims 1-5,12-13,15-31,38-39,41-46 are cancelled.
3. The applicant agreed to an examiner's amendment to place the claims in allowable form.

### **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Schipper (Reg. No. 26,994) on 9/25/2007.

The claims are to be amended as follows:

Claim 6, line 10: replace " and " with - - thereby - - .

Claim 32, line 11: delete "whereby" and insert - - thereby - - .

Claim 32, line 11: after " the subject" , delete "can" and insert - - to - - .

5. Claims 6-11,14,32-37 and 40 are allowed.

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6. The following is an examiner's statement of reasons for allowance: Regarding claims 6 and 32, prior art Smits (US 6,125,115) discloses a teleconferencing method and apparatus with three-dimensional sound positioning wherein the user has the capability to assign spatial locations to sound sources. Prior art Courneau et al. (US 5,987,142) discloses a system of sound spatialization and method personalization for the implementation thereof. Prior art Slezak (US 6,647,119) discloses spacialization of audio with visual cues. Prior art J.F Culling et al. discloses binaural sluggishness in the perception of tone sequences. Prior art ISO Standard 7731 discloses danger signals for work places –auditory danger signals. Prior art ISO standard 5129 discloses acoustics,- measurement of noise inside aircraft. Prior art ISO Standard discloses acoustics-audible emergency evacuation signal.

7. The prior art or combination thereof fails to disclose or make obvious the invention as a whole and in particular, causing the first apparent location of the alert signal to change to a second apparent location that is angularly displaced relative to the selected axis by a selected second azimuthal angle  $\Phi_2$ , where  $|\Phi_1 - \Phi_2| \geq 15^\circ$ , within a selected time interval having a duration  $\Delta t$  lying in a range  $0.1 \text{ sec} \leq \Delta t \leq 0.5 \text{ sec}$ , thereby permitting a subject to distinguish the change of the alert signal from the first apparent location to the second apparent location and to thereby distinguish the alert signal from at least one background signal having an apparent location that does not change.

8. Therefore the prior art or combination thereof fails to disclose or make obvious a method of distinguishing an auditory alert signal from a background of one or more

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other auditory signals and a system for distinguishing an auditory alert signal from a background or one or more other auditory signals as claimed.

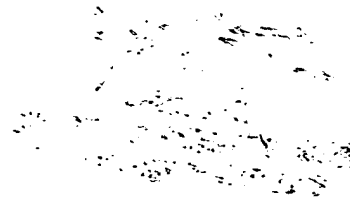
9. Claims 7-11, 14, 33-37 and 40 are allowed due to dependency on claims 6 and 32.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DEF

  
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